

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

DECEMBER 7, 2015

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m. Upon roll call, the following responded:

Present:

Chairman Steve Lichtenfeld
Mark Winings, Aldermanic Representative
Craig Owens, City Manager
Josh Corson
Sherry Eisenberg
Pepe Finn

Absent:

Ron Reim

Also Present:

Louis Clayton, Planner
Susan M. Istenes, AICP, Planning Director
Kevin O'Keefe, City Attorney

Acting Chairman Reim asked that all cell phone ringers be turned off, that conversations take place outside the meeting room and that those who wish to speak approach the podium and to be sure the green light on the microphone is on for property recording of this meeting.

MINUTES

The minutes of the November 16, 2015 meeting were approved, after having been previously distributed to each member.

ARCHITECTURAL REVIEW – RENEWABLE ENERGY – SINGLE FAMILY RESIDENCE – 341 NORTH CENTRAL AVENUE

Michael Hartuppee, contractor, was in attendance at the meeting. Also in attendance were Alison Allman and Bob McCoole, owners.

Susan Istenes explained that the applicant proposes to install 23 rooftop solar panels on the south (side) facing portion of the pitched roof of the home, and 4 solar panels on the east (front) facing

dormer roof. The proposed solar panels measure 5.5 feet by 3.15 feet, are positioned in a symmetrical fashion, and are set back at least 2 feet from the roof edges, peaks, and valleys. Susan stated that Section 405.3880 of the Renewable Energy Systems regulations states the following: "When located on a sloped roof, solar energy collectors shall be located on a rear or side-facing roof, as viewed from a fronting street." The four proposed panels on the front dormer are located on a front facing roof and therefore fail to meet this requirement. The applicant is requesting alternative compliance to allow the solar panels to be installed as proposed. Section 405.3920 of the Renewable Energy Systems regulations states that the Architectural Review Board may approve an applicant's request for alternative compliance if, in the Board's judgment, the purpose of the regulations will be satisfied and the alternative design will have no adverse impact on any other property or unreasonably disturb the peaceful occupancy of adjoining or nearby property. According to the applicant, the subject panels are located at a 10 degree angle and could easily be shielded from view with an architectural parapet; however, the parapet design is not shown on the plans. The proposed solar panels on the south (side) facing roof are arranged in a symmetrical fashion and are in conformance with the Renewable Energy Systems regulations; however, staff is of the opinion that the applicant has not provided sufficient justification for the requested alternative compliance to allow four solar panels on the front facing dormer roof. Staff is not aware of any past approvals for solar panels on front facing roofs and has concerns that approval of this request may set a precedent for future requests and therefore, recommends denial of the proposal as submitted.

Mr. Hartupée (EFS Energy) indicated that they've been in business since 2011 and to date have installed 500 kilowatts; this will increase their portfolio by 7.5 kilowatts. He noted that only a small amount is visible from the street. He distributed a photograph of the front of the house.

Chairman Lichtenfeld asked if the four on the front dormer could be relocated.

Mr. Hartupée indicated they would not produce the same value elsewhere.

Chairman Lichtenfeld indicated that he visited the site and, while looking at the photo that was just distributed, the panels on the south facing roof; the ones permitted by the code, are more visible from the street than the four being discussed.

Mr. Hartupée agreed.

Josh Corson commented that he hates to not allow those 4 panels if there's a creative solution to the situation.

Mr. McCoole thanked the members for allowing them to present this evening. He asked that, while he respects the ordinance, an exception be allowed as they already removed four panels from the south facing roof that were not symmetrical, bring the number of the panels on that part of the roof down to 23; they started with 27 panels. He added that as rates go up, more energy will be saved. He asked the Board to consider future applicants. He then referred to a new house being built on

his street that is different in appearance than traditional homes. He stated that they are appealing to their subjective viewpoint. He referenced the photograph, noting that the panels will only be seen for a very short time as one goes down the street due to the slope of the street.

Chairman Lichtenfeld asked about the panels already removed that Mr. McCoole mentioned.

Mr. McCoole replied “yes”; noting they removed because they were not symmetrical.

Louis Clayton informed the members that symmetry is not a staff concern or issue. He reiterated that the four panels on the front facing roof are the panels that don’t meet Code.

Chairman Lichtenfeld voiced his concern about setting a precedent. He asked about a parapet.

Mr. McCoole indicated that he would construct one if he has to, although a parapet would be more visible than the panels without a parapet.

Mr. Hartupree informed the members that the panels are 1 ½” thick and are raised 4-6” above the roofline.

Mark Winings commented that in the mock-up/rendering, the front panels are visible; however, in the photograph distributed tonight, that part of the roof is not visible.

Mr. Hartupree stated that the mock-up/rendering is a google view (higher up) and the photo brought in this evening was taken by the owner from across the street or thereabouts.

Mr. McCoole informed the members that he is not doing this for the money/return and that actually, he wants people to see that they are doing their part to conserve energy.

Chairman Lichtenfeld reiterated that he does have a concern about precedent but is looking for a way to approve.

Mr. McCoole asked the Chairman to comment on the subjectivity.

Kevin O’Keefe informed Mr. McCoole that this is not subjective; regulations are based on ordinances and include certain criteria.

Mr. McCoole stated that he would build a parapet if that’s the way to get this approved.

Pepe Finn asked when the ordinance was passed.

Susan Istenes replied “2012”.

Mr. Hartupree noted that the panels are almost the same color as the roof.

A brief discussion ensued about whether or not to require a parapet.

Mark Winings asked if the Fire Marshal has seen the plans.

Louis Clayton informed the members that the Fire Marshal only reviews the ones that don't meet the 24-inch setback requirement; this one does.

Hearing no further questions or comments, Pepe Finn made a motion to approve as submitted. The motion was seconded by Josh Corson and unanimously approved by the Board.

CONCEPTUAL REVIEW – OFFICE BUILDING – 8125 FORSYTH BOULEVARD

Rick Clawson, project architect, was in attendance at the meeting.

Susan Istenes explained that the 0.52-acre site is located on the north side of Forsyth Boulevard between Brentwood Boulevard and Maryland Avenue, and has a zoning designation of Special Development District (SDD). The property is improved with a two story commercial building that was constructed in 1947 and is currently vacant. Adjacent land uses include retail and office buildings and Shaw Park to the south. The proposed project consists of the demolition of the existing structure and the construction of a 233,226-square-foot, 14-story office building. The proposed building will be constructed primarily of architectural precast panels with brick veneer, glass, and metal accents. Parking will be located in the existing parking structure which serves other buildings on the block. A drive through is proposed on the first floor for a future bank tenant. The project will be developed as a Special Development Subdistrict and will require public hearings before the Plan Commission and Board of Aldermen. The applicant has not specified what public benefits the development will provide to the City. A SDD is a distinct zoning classification which provides the flexibility needed to encourage efficient use of land, public and utility services while encouraging innovation in the planning and building of a large-scale development which involves a multi-phased, multi-year timeframe. A SDD is governed by a Special Development Plan and Subdistrict Plans, each of which require approval by the Board of Aldermen. The Special Development Plan provides the general development standards for the proposed development including the location of project phases and schedules, location and use of each proposed building, the maximum height and size of each building, the location of open space and landscape buffers, general traffic circulation and the location of parking. The Subdistrict Plan provides detailed information related to each specific phase of the development. In 1982, the block bounded by Brentwood Boulevard, Maryland Avenue and Forsyth Boulevard was rezoned to a SDD. As part of the SDD ordinance, the individual parcels on the block were to be developed in phases in accordance with general development standards for height, size and parking found in the Special Development Plan. Since the rezoning in 1982, four office buildings and a shared parking structure have been constructed. Two parcels, including the subject property, have not yet been redeveloped. The property is subject to the following design standards which are specified in the Special Development Plan:

Use:	Office
Building Area:	169,994 square feet
Stories:	14
Parking Spaces:	510 (1 per 333 square feet)

As currently proposed, the project exceeds the allowable building area {and height*}, which may be modified through approval of the Subdistrict Plan. The 2010 Downtown Master Plan identifies the property as being located in the Park View District. The vision for the Park View District is a “neighborhood along the park that takes advantage of the valuable views of Shaw Park and transforms the urban edge of the park into an active street life environment with sports, cultural and entertainment venues.” The plan makes specific recommendations for improving pedestrian connections to the park, increasing foot traffic, supporting small retail establishments and activity centers, and encouraging buildings facing the park to take advantage of the park views. A project of this scale requires a thorough staff review prior to a public hearing and is subject to comments by the Planning, Public Works, and Fire Departments, and also the City’s contracted consultants for landscaping, architecture, storm water management, traffic and parking. Staff offers the following comments based on the conceptual plans presented:

Planning

1. Consider a more visually appealing solution to provide ADA access instead of the highly visible ADA ramp at the southwest corner of the building.
2. The drive-through must comply with the City’s Drive-Through Design Guidelines and should be adequately screened from public view.

Public Works

1. The development is subject to the recommendations of the traffic impact study conducted by the City’s contracted traffic engineer and reviewed by Public Works. The developer may be required to make such improvements to adjacent streets including but not limited to restrictions at ingress/egress locations, turn lanes, medians, and new and/or improved signalized intersections.
2. A parking study conducted by the city’s contracted traffic engineer will evaluate the project’s parking demand and whether the proposed number of parking spaces is sufficient.
3. The design of sidewalks and streetscape infrastructure will be to City standards.
4. Right-of-Way Permits will be required through the Public Works Department.

Susan stated that staff recommends that the Plan Commission/Architectural Review Board consider the proposal and provide input. She reminded everyone that this is conceptual review only and therefore, any comments made in this report or at the meeting, either by the applicant, staff, or the Board/Commission members, are not binding.

Mr. Clawson began a PowerPoint presentation. The first slide depicted an aerial view of the subject property and surrounding properties. The second slide depicted the original 1982 site/parcel map. Mr. Clawson indicated that Parcel 5 is the subject parcel; that Parcels 1 and 2 as well as the center parking area have already been developed. He noted that the proposal is for a 14 story office building with a mechanical penthouse. He stated that CBB conducted a parking study and that with this development, the site will still have an excess of 60-100 parking spaces. Slides depicting various color renderings were presented. Mr. Clawson noted that the building follows the Forsyth radius and referred to the building materials including alucobond panels/bands and glass and limestone. He indicated that with regards to staff recommendation about the ADA ramp, they are still working on it and he emphasized that this is just a preliminary design; the project is still a work in progress.

Slides depicting elevation drawings and floor plans were presented.

Chairman Lichtenfeld asked why the sunscreen on top is so large, noting that he would like to see it smaller; however, overall, he likes the building. He asked if the loading dock area could cause traffic congestion, referring to the east and west sides.

Mr. Clawson stated that they've discussed the one in and one out and that may be abandoned.

Chairman Lichtenfeld asked if the bridge goes over the property line.

Mr. Clawson replied "yes", adding that they are working on aerial easements, which should be easy to get as the adjacent property is owned by the same group.

Chairman Lichtenfeld commented that at first, he was unsure about all the different materials; however, he now believes they all fit into the context well.

Mr. Clawson agreed.

Chairman Lichtenfeld commented that the retail floor seems low, visually.

Mr. Clawson indicated that the ceilings at the pedestrian level are 12-foot high.

Chairman Lichtenfeld asked the reasoning behind the ramp on the west.

Mr. Clawson indicated that the property drops the further west.

Mark Winings asked if the bridge is the only connection to the garage.

Mr. Clawson replied "yes".

Josh Corson commented that it is a very attractive building and fits in well.

Chairman Lichtenfeld asked if the solar screen goes beyond the site.

Mr. Clawson replied “yes”.

Sherry Eisenberg asked if any thought has been given to improving the pedestrian connection.

Mr. Clawson indicated that he’s not sure there is much more they can do as there is not a lot of space to work with/dedicate.

Pepe Finn asked if there’s a way to make the alley pedestrian-friendly.

Mr. Clawson replied “not really”. He added that there’s a lot going on in the alley.

Josh Corson asked if there is a back door entrance.

Mr. Clawson replied “no”, stating that there are grade/ADA issues. He added that the intent is to have a single point entry into the building.

Josh Corson commented that he loves the water feature/sculpture and wondered if there are more possibilities.

Mr. Clawson replied “yes”, stating that they could explore other ideas.

Chairman Lichtenfeld asked the time frame for the project.

Mr. Clawson stated that they hope to come in after the first of the year with a formal submittal and begin construction late next year.

Josh Corson asked if the existing building will come down soon.

Mr. Clawson replied “yes”.

Mark Winings asked about the glass proposed for the new building.

Mr. Clawson stated that it is a more transparent/less reflective, high-performance glass.

Mark Winings asked about exterior lighting.

Mr. Clawson indicated that there will be balcony lighting, pedestrian level lighting and streetscape lighting.

Chairman Lichtenfeld reminded everyone that this is only conceptual review.

Elizabeth Green, Clayton resident who lives across the street from this property, stated that she's happy to see this site developed. She asked what the issue is with the proposed building height.

Louis Clayton indicated that the height waiver comment in staff's report was incorrect; the building at 14 stories meets the height regulations; however, it exceeds square footage, for which they will request a waiver.

Ms. Green commented that multi-use buildings haven't been terribly successful and that Maryland Walk ended up with just a bank. She stated that retail would be nice. She informed the members that she will be attending all meetings with regard to this proposal. She noted that she would not want to see a 14-story building on the south side of the curve.

Bill Hoff, partner, Husch Blackwell, stated that he is here representing the residents of Shaw Park Plaza. He noted that there is some encroachment of this proposal onto his client's property and that although there are no specific objections at this time, there are concerns regarding safety, height, parking, views, reflectiveness and traffic. He added that he and his clients look forward to being a part of this process.

Mr. Clawson thanked everyone for their comments and for being able to make this conceptual presentation this evening. He stated that they, too, are looking forward to continuing on with this project.

Chairman Lichtenfeld wished him luck.

CITY BUSINESS – SUNSHINE LAW

Kevin O'Keefe stated that the purpose of this orientation is to remind the longer tenured members and inform the newly appointed members that there is no free assembly; governmental agencies, including this Commission/Board, must provide at least 24 hours advance notice of assembly amongst the members to allow the public to attend. He stated that in addition, the City Clerk should be copied on all e-mail correspondence. The City does not want to be accused of being anti-transparent. He stated that the members must keep an open mind and that applicants are entitled to due process. He made reference to a past member of this Board who was part of a petition of those against a proposal that was being presented to the ARB. He asked that everyone remember that anything that they write (or e-mail) down is subject to subpoena and the sunshine law.

Sherry Eisenberg asked for Kevin's advice when it comes to neighbors approaching/contacting her regarding the Maryland School site development (she noted she lives on Westmoreland Avenue).

Kevin O'Keefe cautioned her not to express an opinion and that she should simply encourage them to attend the meetings.

Sherry Eisenberg asked what she should do if she receives an e-mail; if she should just read it.

Kevin O'Keefe stated that she should not engage in a discussion and can simply file it away.

Chairman Lichtenfeld stated that virtually everything is subject to the sunshine law. He suggests when he receives an email he acknowledges its receipt and advises the sender to attend the public meetings.

Kevin O'Keefe agreed and indicated that is a good way to handle receipt of an e-mail. He added that even handwritten notes can be subpoenaed if there's a lawsuit filed.

Mark Winings asked what happens if notes are not kept.

Kevin O'Keefe stated that it is preferable that they are not.

Craig Owens stated that people should be invited to attend the meetings; that it's okay to listen to what people have to say but don't comment.

Chairman Lichtenfeld asked about his regular reminder e-mails to the members.

Kevin O'Keefe stated that he could begin copying the City Clerk on those messages; however, he knows Kathy Scott, Planning Technician/Asst. City Clerk, is the record-keeper for this Board and she is copied on those reminder messages.

Pepe Finn commented that it would be dramatic if the entire top of the office building is lit.

Mark Winings asked for confirmation that the ARB has discretion based on architectural elements.

Craig Owens replied "yes".

Being no further question or comments, this meeting adjourned at 6:55 p.m.

Recording Secretary